



Posted on: Monday, May 17, 2004

Four bills from past session called attacks on Lingle

By [Gordon Y.K. Pang](#)
Advertiser Capitol Bureau

Members of the Lingle administration object to four bills approved by the Legislature this session that they believe were pushed by majority Democrats to erode the powers of the state's first Republican chief executive in four decades.

One of the bills requires state agencies to provide written justification for deputy directors and special assistants.

The objections are a spillover from the skirmishes this past session between Lingle supporters and the Democrats who dominate the House and Senate. The Lingle camp says the legislation attempts to interfere with administration functions, while the lawmakers insist they are nonpolitical moves aimed at holding government officials accountable to the public.

Gov. Linda Lingle told reporters last week she is inclined to veto House Bill 2741, which requires her to submit quarterly reports to the Legislature justifying deputy director or special assistant positions not specifically authorized by statute, and salaries, or else the positions will be eliminated.

The bill creates new hurdles for hiring and creates "a serious interference in terms of how the executive branch should be properly managed," said Linda Smith, the governor's senior policy advisor. Requiring justification of the positions unfairly "presumes that you shouldn't have a deputy director or special assistant," Smith said. The bill "requires a fairly elaborate justification process — or else the position disappears."

Smith said she saw no reason for the Legislature even to consider such a bill, since the hires have not been an issue. "That's certainly a question in our minds," she said. "How come now? Was it something we did, something that happened?"

House Labor Chairman Marcus Oshiro, D-39th (Wahiawa), said the bill was approved not for political reasons, but to promote "transparency and accountability in government."

The bill "does not, in any way, hamper the selection of any deputy director or special assistant," he said, "but merely requires the justification for these positions and for the salaries that these state employees receive."

The requirement is not onerous, Oshiro said, noting that the Department of Human Resources Development already must gather from the different agencies a listing of all noncivil service employees, including deputy department heads and executive assistants.

Another bill flagged by the administration as an "erosion" measure is House Bill 267, vetoed by Lingle and then reinstated by a legislative override.

The bill allows the Campaign Spending Commission and Office of Elections to communicate directly with the Legislature and the governor. Its main purpose is to give more freedom to those offices.

Smith said the governor's main objection involves a secondary provision that replaces the elections appointment and review panel with a new elections commission, whose chief task would be hiring the chief elections officer — as was the panel's. But the commission, unlike the panel, would not include an appointee of the governor. In effect, the governor no longer has a say in the selection of the chief elections officer.

The most troubling aspect of the bill, Smith said, is a provision that says a vacancy not filled by lawmakers within 15 days will be filled by the Hawai'i Supreme Court.

"Because the Supreme Court may become involved in ruling on issues coming out of the Office of Elections, the question in our minds is if that's appropriate in terms of a separation of powers," Smith said.

House Majority Leader Scott Saiki, D-22nd (McCully, Pawa'a), said creation of the commission is designed to "ensure the independence and bipartisan nature of the elections process."

Far from concentrating power with the Democrats, Saiki said, the new setup creates a commission with nine members, four selected by Democrats and four by Republicans, and a ninth chosen to be chairman. "It allows for equal representation," Saiki said.

The other "erosion" bills Smith cited:

- Senate Bill 1491, which repeals the governor's authority to transfer excess revenues in special funds or other accounts to the general fund.

"That cuts into the very fabric of the chief executive's responsibilities for fiscal control, fiscal management," Smith said.

- Senate Bill 2716, which establishes a candidate advisory council to "assist" the governor in determining the criteria for, and identify and recruit candidates for the University of Hawai'i's Board of Regents.

House Speaker Calvin Say, D-20th (St. Louis Heights, Palolo, Wilhelmina Rise), said the bills were not devised by the Democratic caucus to erode the governor's authority. He noted that none of them was part of the majority package.

"It's just a mish-mash of ideas and concerns by individual legislators," Say said. "If members see problems, they introduce legislation to address those problems."

Smith said she was glad the Legislature did not pass some 25 other bills the administration believes were introduced by Democrats to erode the governor's powers.

One of those measures would have transferred management of the State Capitol grounds to a legislative management committee, Smith said, while another would have required department and judicial employees to go before the House for confirmation instead of just the Senate.

Reach Gordon Y.K. Pang at gpang@honoluluadvertiser.com or at 525-8070.

[Back](#)

© COPYRIGHT 2004 The Honolulu Advertiser, a division of [Gannett Co. Inc.](#)

All materials contained on this site are protected by United States copyright law and may not be reproduced, distributed, transmitted, displayed, published or broadcast without the prior written permission of The Honolulu Advertiser. You may not alter or remove any trademark, copyright or other notice from copies of the content.